

Application No. 09/701,705  
Amendment "A" dated November 18, 2005  
Reply to Office Action mailed August 30, 2005

**BEST AVAILABLE COPY****REMARKS**

These remarks and the accompanying amendments are responsive to the non-final Office Action dated August 30, 2005. At the time of the last Examination, Claims 1-84 were pending, of which Claims 9-17, 24-32, 38-46, 48, 50 and 52 were withdrawn from consideration due to the prior restriction requirement. This left Claims 1-8, 18-23, 33-37, 47, 49, 51 and 53-84 for further consideration by the Examiner. The withdrawn claims are formally cancelled in this response. Additionally, Claims 3 and 21 are also cancelled in this response, with no claims being added. Accordingly, upon entry of this amendment, Claims 1, 2, 4-8, 18-20, 22, 23, 33-37, 47, 49, 51 and 53-84 will be pending for further consideration by the Examiner. Of these claims, Claims 1, 5-8, 18, 19, 22, 23, 33, 36, 37, 47, 49, 51 and 55-61 are currently amended; Claims 2, 34, 53, 54, 62, 63, 66, 68-79, 82 and 84 are original; and Claims 4, 20, 35, 64, 65, 67, 80, 81, 83 are previously presented.

Section 2 of the Office Action objects to the Abstract of the Disclosure in the specification as exceeding 150 words. The Abstract of the Disclosure is amended herein to be within the range of 50-150 words.

As an initial matter, Section 6 of the Office Action allows Claim 54 and 70-77, and indicates the Claims 5, 19 and 55-61 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 19 are amended herein to be in independent form and to include all the limitations of prior independent Claims 1 and 18 from which each respectively depended. Furthermore, Claims 55-61 are amended herein to be in independent form and to include all of the features of one of the independent claims (i.e., Claim 53) from which they depended. Accordingly, it is respectfully submitted, the Claims 5, 19, 54-61 and 70-77 are in patentable form.

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Section 3 of the Office Action rejects Claims 1-4, 6-8, 18, 20-23, 33-37, 47, 49, 51, 53, 62-69 and 78-84 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,647,003 to Abeta et al. (hereinafter "Abeta") in view of United States patent number 5,881,065 to Huang et al. (hereinafter "Huang"). The rejection is formally moot with respect to Claims 3 and 21 due to their cancellation. Nevertheless, the arguments presented in the Office Action with respect to Claims 3 and 21 will be address since many of the independent claims are amended to include the features of Claims 3 and 21.

Of the rejected claims, Claim 1, 8, 18, 23, 33, 37, 47, 49, 51, 53, 62, 69 and 78 are independent. Regarding claims 1, 8, 18, 23, 33, 37, 47, 49 and 51, the features recited in now cancelled Claims 3 and 21 are incorporated by amendment into each of these independent claims. The subject matter added to these independent claims is not disclosed by Abeta and Huang, either singly or in combination. The Office Action does allege that Abeta discloses the subject matter of prior Claim 3 in Column 9, lines 55-59. However, this passage of Abeta only discloses "the power control symbols are inserted into the data symbol sequence at every one-slot interval", but not "said weighting factors are determined according to the positions of said pilot symbols in the slots of said control channel" as now recited in each of independent Claims 1, 8, 18, 23, 33, 37, 47, 49 and 51. Therefore, Claims 1, 8, 18, 23, 33, 37, 47, 49 and 51 are not unpatentable over Abeta in view of Huang.

Similarly, regarding independent Claims 53 and 69, Abeta does not disclose "weighted averaging of pilot signals in time" (emphasis added) and "selecting one data sequence having highest reliability" (emphasis added).

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Also regarding independent Claim 62 and 78, Abeta does not disclose "using a plurality of weighting sequences" (emphasis added) and "selecting one demodulated data by making judgment of reliability" (emphasis added).

Therefore, each of the rejected independent claims is not unpatentable over the cited references, either singly or in combination. The rejected dependent claims are not unpatentable over the cited references at least for the same reasons that their corresponding independent claim is not unpatentable over the cited references.

Thus, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18<sup>th</sup> day of November, 2005.

Respectfully submitted,



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